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USDC CLERK, GREENVILLE, SC

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Duncelus Colice

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Deputy Solicitor Yates Brown

David Stumbo

Eugene C. Griffith Jr. 8<sup>th</sup> judicial circuit

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil Rights

(Prisoner Complaint)

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Jury Trial:  Yes  No

(check one)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

When submitted for filing, your complaint should be accompanied by the full filing fee or an application to proceed in *forma pauperis*.

**I. The Parties to This Complaint**

**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Demarcus Colice

All other names by which you have been known:

ID Number

73515

Current Institution

Greenwood County Detention Center

Address

528 Edgefield St

Greenwood, SC 29646

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Yates Brown

Job or Title

Deputy Solicitor

(if known)

Shield Number

\_\_\_\_\_

Employer

\_\_\_\_\_

Address

Solicitor Office (GWD County)

600 Monument St #203 Greenwood, SC 29646

Individual capacity

Official capacity

Defendant No. 2

Name

David Stumbo

Job or Title \_\_\_\_\_  
 (if known) Hired Solicitor  
 Shield Number \_\_\_\_\_  
 Employer \_\_\_\_\_  
 Address GWD County Solicitor's office  
600 Monument St #203 GWD, SC 29646

Individual capacity       Official capacity

## Defendant No. 3

Name Eugene C. Griffith Jr.  
 Job or Title Presiding Judge, 8<sup>th</sup> Judicial Circuit  
 (if known)  
 Shield Number \_\_\_\_\_  
 Employer \_\_\_\_\_  
 Address 1226 College St  
Newberry, SC 29108

Individual capacity       Official capacity

## Defendant No. 4

Name \_\_\_\_\_  
 Job or Title \_\_\_\_\_  
 (if known)  
 Shield Number \_\_\_\_\_  
 Employer \_\_\_\_\_  
 Address \_\_\_\_\_

Individual capacity       Official capacity

**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- Federal officials (a *Bivens* claim)  
 State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

*My 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, 13<sup>th</sup>, and my 14<sup>th</sup> Amendment are being violated  
by said Defendants.*

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

*I am suing one Yetes Brown for acting under color of the  
state and laws of this state by way of interfering one  
Judge Eugene C. Griffith Jr. not to release me on Bond. Attachment*

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- Pretrial detainee  
 Civilly committed detainee  
 Immigration detainee

## SECTION II - D

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in which is a violation of section § 17-15-10 which is a statute of this state and must be followed, therefore Solicitor Yates Brown stands to be held liable for my rights being violated along with the laws of this state therefore said Solicitor is also in violation of my amended rights of the constitution such as my 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, 13<sup>th</sup>, and 14<sup>th</sup> amendments

David Stumbo stands in violation the same as one Yates Brown brings that he is his Boss and the statements that Yates Brown made to the Judge was only what his superior instructed him to do. Therefore one David Stumbo stands in violation of statute § 17-15-10 which states that every person that has a non-capital crime must be released pending trial. Therefore said Solicitor Stumbo also stands in violation of the laws of this state along with my amended rights of the constitution such as my 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, 13<sup>th</sup>, and 14<sup>th</sup> amendments

Judge Eugene C. Griffith Jr has acted under color by way of not allowing me to be released pending trial according to statute § 17-15-10, But denied me bail in which goes against the laws of this state, the very laws that he took an oath to uphold he has violated along with my amended rights of the constitution such as my 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, 13<sup>th</sup>, and 14<sup>th</sup> amendments

- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Other (*explain*) \_\_\_\_\_

#### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

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- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Greenwood County Detention Center July 9, 2020

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- C. What date and approximate time did the events giving rise to your claim(s) occur?

First time July 9, 2020 Greenwood County Det. Center  
Second time Aug. 5, 2020 Alabaville County Courthouse

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- D. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

On July 9, 2020 I was arrested on said criminal charges and brought to the Greenwood County Detention Center where I was to be took before a judge for bail in which I did on

## Section IV - D

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July 10, 2020 go before Judge Cheif Warren to have my bond set on criminal charges, but was denied. I was then took to F-Unit then B-Unit, until August 5, 2020 when I went to Abbeville for another bond hearing. At which time I went before Judge Eugene C. Griffith Jr., by way of Yates Brown's statements to the Judge my bond was once again denied. And from my understanding he was doing the deeds and will of his boss David Stumbo. In which puts him, Yates Brown, and David Stumbo along with Judge Eugene C. Griffith Jr in violation of statute § 17-15-10 in which states that any person charged with a non-capital crime must be released pending trial on his own recognizance without surety. Unless the judge determines that such release 1) would not reasonably assure the appearance of the accused at trial or 2) would result in an unreasonable danger to the community. And if said judge determines in a non-capital case any of the 2 factors stated above the defendant still has a constitutional right to bail. But the judge may impose conditions on said release as stated in statute § 17-15-20, not "Deny" in which, in my case, my bond has been denied my second time going up for a bond by way of Yates Brown's statements to the judge as to me not being released on bail and to be held in jail until further notice. Being that the laws of this state says that I should have a bond and be released along with every other Pre-Trial detainee in the Greenwood County Detention Center, which means we are being held against our will, which is a form of kidnapping according to, 18-U.S.C. SECTION 1201, and my understandings

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of the law is that no one can break it to obtain it. Therefore, by me being held in the Greenwood County Detention center against my will and voluntarily, that also puts said party in violation of the laws of this state, along with my constitutional rights such as my 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, 13<sup>th</sup>, and 14<sup>th</sup> amendments in more ways then one as follows. My 4<sup>th</sup> amendment states that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. In which case I have been seized" held "unreasonable. My 5<sup>th</sup> amendment stands in violation by way of me being deprived of liberty without the due process of law, when it comes to the circumstances surrounding my criminal case. My 6<sup>th</sup> amendment stands in violation, because it states that in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, and have compulsory process of obtaining witnesses in my favor. In which in my case is not possible due to the fact that im being held in jail without bail. Therefore I cant get any witnesses together. My 8<sup>th</sup> amendment stands in violation, because it states that excessive bail shall not be required, as in no bail is excessive". Being that there is no way to pay a bail if I dont have one. It also states that I shall not be subjected to cruel and unusual punishment. Once again by me not having bail set in my criminal case puts all parties in violation of subjecting me to cruel and unusual punishment. Which shows how my 13<sup>th</sup> amendment is also in violation.

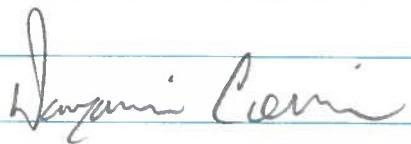
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as follows, "Neither slavery nor involuntary servitude, except as a punishment for a crime whereof the party shall have been duly convicted. It's simple I'm being treated as a convicted prisoner according to what my 13<sup>th</sup> amendment states, without being convicted. Now with all of the violations I've pointed out in this complaint, said party also stands to violate my 14<sup>th</sup> amendment. Because it states, NO state shall deprive any person of life, liberty, without due process of law; nor deny to any person within its jurisdiction the equal protection of law. As in my case there is no equal protection due to all the violation that's been pointed out in said complaint. Therefore my rights stands in violation. The laws of this state says that, 'It presumes the defendant to be innocent of the charge made against him in the first warrant until his guilt has been proven beyond a reasonable doubt. I have not been found guilty of said charges, therefore I should not be held in jail. Because I meet all of the standards to be released. The law also states, that arrests may be generally defined as a deprivation of right to movement against his will, and by force, threat, or assertion of authority. In which describes my detainment here in the Greenwood County Detention center as a form of kidnapping, by solicitor's office. And recognizing the seriousness of an interference with an individual's right of liberty. The U.S. constitution and the S.C. constitution have placed restrictions of the power of arrest.

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These are all the facts underlying my claim. Therefore  
I pray that this claim/complaint be received and  
handled according to the laws of this state.

Damarius Colice



Date: 1-10-2021

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V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I have suffered from mental + emotional distress due to this situation. At times I just sit on the bed, just an emotional wreck. Other times im zoned out, lost.

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VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I'm seeking \$1,000 c/c per for being held against the law which is causing me mental & emotional stress. Also seeking a declaratory judgement and an injunction. See Attachment.

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VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

Section II

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I would like a Declaratory judgement, where the judge can explain all my legal rights, along with all of the legal duties and obligations of the municipal judges and solicitor's to insure that all people charged with a non-capital crime receive bail. Also, I want to seek an injunction, so that the judge may order that those changes be made and that a stop be put to this on-going conduct. Because as we know money damages alone will not fix this problem.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

- Yes  
 No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Greenwood County Detention Center

Greenwood, SC 29646

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

- Yes  
 No  
 Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

- Yes  
 No  
 Do not know

If yes, which claim(s)?

All

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

- Yes  
 No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

E. If you did file a grievance:

1. Where did you file the grievance?

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2. What did you claim in your grievance?

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3. What was the result, if any?

None

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4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (*Describe all efforts to appeal to the highest level of the grievance process.*)

I went up for bond and got denied. I went before a judge again and was denied again.

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

IT was non-grievable

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I informed my attorney Jamison Tinsley, Esq. who  
was my attorney at the time. Who informed Judge  
Eugene C. Griffin Jr and Deputy Solicitor Yates Brown  
by way of motion of bond. Response was denied bond.

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Since being held with no bond I've lost my job, family  
been sick, and they've been struggling without my help.

*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

### VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

Yes

No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court (*if federal court, name the district; if state court, name the county and State*)  
\_\_\_\_\_

3. Docket or index number  
\_\_\_\_\_

4. Name of Judge assigned to your case  
\_\_\_\_\_

5. Approximate date of filing lawsuit  
\_\_\_\_\_

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

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- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Yes  
 No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_  
Defendant(s) \_\_\_\_\_

2. Court (*if federal court, name the district; if state court, name the county and State*)

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3. Docket or index number

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4. Name of Judge assigned to your case

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5. Approximate date of filing lawsuit

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6. Is the case still pending?

Yes  
 No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)  
 \_\_\_\_\_  
 \_\_\_\_\_

## **IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### **A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: JAN. 10, 2021

Signature of Plaintiff Damarius Collice  
 Printed Name of Plaintiff DAMARIUS COLLICE  
 Prison Identification # 73515  
 Prison Address 528 Edgfield St  
Greenwood SC 29646  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### **B. For Attorneys**

Date of signing: \_\_\_\_\_, 20 \_\_\_\_.

Signature of Attorney \_\_\_\_\_  
 Printed Name of Attorney \_\_\_\_\_  
 Bar Number \_\_\_\_\_  
 Name of Law Firm \_\_\_\_\_

Address

Damascus Collier 528 Edgfield St GWD, SC 29646

Telephone Number

E-mail Address